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Report of the Independent Expert on human rights and international solidarity*

Note by the Secretariat

This is the first report prepared by Obiora Chinedu Okafor in his capacity as Independent Expert on human rights and international solidarity. In the report, submitted pursuant to Human Rights Council resolution 35/3, the Independent Expert sets out his vision for the mandate, summarizes the work undertaken so far by his predecessors, outlines his objectives and methods of work, and discusses possible thematic priorities for the mandate.

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I. Introduction

1. In the present report, presented pursuant to Human Rights Council resolution 35/3, the Independent Expert on human rights and international solidarity, Obiora Chinedu Okafor, summarizes the work undertaken by his predecessors, outlines his activities since his appointment, sets out his objectives and his work plan, and discusses his possible thematic priorities.

2. The report is structured into eight sections. After a short introduction, a brief contextual background on the mandate is offered, followed by a short discussion on the nature of the mandate. The work undertaken by the previous mandate holders is described in section III. The activities of the current mandate holder since the last reporting cycle are described in section IV. The Independent Expert's goals and objectives for the mandate are outlined in section V. The methods of work that the Independent Expert intends to employ in the discharge of his mandate are presented in section VI. Possible thematic priorities that the Independent Expert may address during the term of his mandate are identified in section VII. Finally, some concluding remarks are offered in section VIII, including on the necessity for continued stakeholder cooperation with the mandate.

3. The Independent Expert would like to express his profound gratitude to the previous mandate holders for the extensive work undertaken since the establishment of the mandate in 2005. His vision for the mandate flows from, and builds on, the commendable work done by his predecessors.

4. While stressing that the processes of promoting and protecting human rights should be in conformity with the purposes and principles of the Charter of the United Nations, the Human Rights Council, in establishing the mandate of the Independent Expert, also recognized that inadequate attention has thus far been paid to the importance of international solidarity to the fuller realization of human rights, including the right to development and economic, social and cultural rights, as well as to its centrality to the effective implementation of the 2030 Agenda for Sustainable Development.[1] The Independent Expert views the provision of advice to the Human Rights Council on the ways and means of markedly reducing this attention deficit as one of a number of key aspects of his mandate — especially in relation to issues such as climate change mitigation and adaptation, the just and effective management of migration and refugee flows, the reduction or even elimination of the very well-known ills associated with illicit financial flows and tax havens, and a number of other shared global challenges described in more detail in the present report.

5. In discharging his mandate, the Independent Expert recognizes the need to take into account the views of (international) non-State actors and stakeholders, as key drivers of the effort to promote and protect human rights and as intermediaries for rights holders around the world. This recognition is reflected in his vision for the mandate and his proposed thematic priorities.

II. Background information on the mandate

6. The mandate of the Independent Expert on human rights and international solidarity was created in 2005 by the Commission on Human Rights, via its resolution 2005/55, for a period of three years. In 2008, the mandate was extended by the successor to the Commission, the Human Rights Council, via its resolution 7/5, also for a three-year period. In 2011, the Council extended the mandate for a further three-year period via its resolution 17/6. A similar three-year extension was mandated by the Council in 2014, via its resolution 26/6. In 2017, the Council passed resolution 35/3, which reaffirmed all its previous resolutions regarding the mandate. It was on the basis of this last resolution that the current mandate holder was appointed.

[1] Human Rights Council resolution 35/3

7. The resolutions establishing and governing the mandate show that it was created for the following purposes:

(a) To study the issue of human rights and international solidarity and prepare a draft declaration on the right of peoples and individuals to international solidarity;[2]

(b) To seek views and contributions from Governments, United Nations agencies, other relevant organizations and non-governmental organizations in the discharge of the mandate, and to take into account the outcomes of all major United Nations and other global surveys and ministerial meetings in the economic, social and climate fields;[3]

(c) To promote the realization of the right of peoples and individuals to international solidarity, including through the further development of guidelines, standards, norms and principles enhancing the enjoyment of this fundamental right; the adoption of measures at the regional and international levels to promote and consolidate international assistance to developing countries in their endeavours in development; and the promotion of conditions that make the full realization of all human rights possible;[4]

(d) To examine ways and means of overcoming existing and emerging obstacles to the realization of the right of peoples and individuals to international solidarity;[5]

(e) To make recommendations on possible steps to be taken with a view to attaining progressively the full realization of the right of peoples and individuals to international solidarity, and to make suggestions designed to address the increasing challenges of international cooperation;[6]

(f) To work in close cooperation with all States, intergovernmental and non-governmental organizations, and other relevant actors representing the broadest possible range of interests and experiences, within their respective mandates, to mainstream fully the effective realization of the right of peoples and individuals to international solidarity in the activities of the United Nations;[7]

(g) To continue participating in and contributing to relevant international conferences and events with the aim of promoting the realization of the right of peoples and individuals to international solidarity;[8]

(h) To continue to participate in relevant international forums and major events with a view to promoting the importance of international solidarity in the achievement of the 2030 Agenda for Sustainable Development, especially those goals relating to economic, social and climate issues;[9]

(i) To report regularly to the Human Rights Council and the General Assembly in accordance with their respective programmes of work.[10]

III. A brief history of the mandate

8. Since its establishment in 2005, the mandate of the Independent Expert has promoted human rights and international solidarity around the world, contributed to the global dialogue around international cooperation and international solidarity, and conducted several country visits with a view to exploring the ways in which international solidarity

[2] Commission on Human Rights resolution 2005/55, para. 7.
[3] Ibid., para. 8; and Human Rights Council resolutions 7/5, para. 1 (b); and 35/3, para. 13.
[4] Human Rights Council resolutions 7/5, para. 1 (a); and 17/6, para. 1 (a).
[5] Human Rights Council resolutions 7/5, para. 1 (c); and 17/6, para. 1 (c).
[6] Human Rights Council resolutions 7/5, para. 1 (d); and 17/6, para. 1 (d).
[7] Human Rights Council resolutions 7/5, para. 1 (e); and 17/6, para. 1 (e).
[8] Human Rights Council resolutions 7/5, para. 1 (f); and 17/6, para. 1 (f).
[9] Human Rights Council resolutions 26/6, para. 9; and 35/3, para. 11.
[10] Human Rights Council resolutions 26/6, para. 13; and 35/3, para. 14.

and human rights manifest themselves in State practice. The predecessors of the current mandate holder carried out visits to Brazil, Morocco, Norway and Cuba.[11]

9. Thus far, the mandate has largely been invested in the process of discussing, preparing and submitting the draft declaration on the right to international solidarity, a process that was outlined in phases by the former Independent Expert, Virginia Dandan.

10. The "first phase" of the process began in 2004 with the submission of a working paper on human rights and international solidarity to the then Sub-Commission on the Promotion and Protection of Human Rights of the Commission on Human Rights by one of its members, Rui Baltazar dos Santos Alves. This first phase continued with the work of the first Independent Expert on human rights and international solidarity, Rudi Muhammad Rizki, who gathered ideas on the theme of the mandate from States, United Nations agencies, other international bodies, regional organizations and civil society, and drew on those ideas to identify elements of a conceptual and normative framework of human rights and international solidarity.

11. With the appointment of Virginia Dandan as the second Independent Expert, in 2011, the "second phase" of the mandate began, and it involved an in-depth examination of the relevant issues, principles, standards and norms that would shift the focus from the principle of international solidarity to the right to international solidarity.

12. Subsequently, Ms. Dandan moved on to the "third phase", which involved consolidating and analysing the results of the previous two stages; writing and circulating a preliminary text of the draft declaration, for consultation; consolidating additional comments and inputs that were received; and finalizing the initial draft declaration for submission to the Human Rights Council.

13. The draft declaration on the right to international solidarity was submitted as an annex to Ms. Dandan's last report to the Human Rights Council,[12] and presented to the world and all relevant stakeholders. The document is the result of years of research and thoughtful consideration by previous mandate holders, as well as significant input from States, civil society and leading scholars. In the view of the current Independent Expert, the draft declaration "is an extraordinary document, which presents a genuine practical tool for the expansion of international solidarity and human rights around the world, with the ultimate goal of realizing what was promised by the Universal Declaration of Human Rights: a social and international order in which all human rights and fundamental freedoms can be realized".[13]

14. Furthermore, the draft declaration recognizes that international solidarity underlies the duty of States to cooperate with one another in accordance with the Charter of the United Nations, and is reflected in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, as well as throughout international law.

15. The draft declaration provides a definition of international solidarity as the expression of a spirit of unity among individuals, peoples, States and international organizations, encompassing the union of interests, purposes and actions and the recognition of different needs and rights to achieve common goals. The components of international solidarity are identified as preventive solidarity, through which stakeholders act to proactively address shared challenges; reactive solidarity, or collective actions of the international community to respond to situations of crisis; and international cooperation. The draft declaration provides concrete guidance to States and other stakeholders on how they must act in order to make this principle a reality and to fulfil their human rights obligations.

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[11] See A/HRC/23/45/Add.1, A/HRC/32/43/Add.1, A/HRC/35/35/Add.1 and A/HRC/38/40/Add.1.

[12] See A/HRC/35/35.

[13] Statement delivered at the seventy-second session of the General Assembly, on 17 October 2017.

IV. Activities of the Independent Expert

A. Reporting

16. Since his appointment by the Human Rights Council in June 2017, the Independent Expert has participated in several activities falling within the scope of his mandate.

17. On 17 October 2017, the Independent Expert addressed the General Assembly at its seventy-second session, for the first time in his official capacity as mandate holder. After acknowledging and giving an overview of the extensive work undertaken by his predecessors, he presented the report prepared by his immediate predecessor, Ms. Dandan, which analyses the applicability of the principles contained in the draft declaration to the accomplishment of Sustainable Development Goal 17. He called on Member States to incorporate the vision contained in the draft declaration in their efforts to implement the 2030 Agenda for Sustainable Development in order to create a true global partnership and genuinely sustainable development. He also informed the General Assembly that he would continue the work undertaken by his predecessors on promoting the importance of international solidarity for achievement of the 2030 Agenda and the fulfilment of human rights.

B. Participation in conferences and consultations

18. From 4 to 6 December 2017, the Independent Expert attended the stocktaking conference on the global compact for safe, orderly and regular migration, which was held in Puerto Vallarta, Mexico. The Independent Expert intervened twice during the conference, once in a breakout session or "action group" on the community dimension of migration, and once during a plenary session on follow-up and implementation. His comments were well received, particularly his comments in the plenary, which emphasized incorporating human rights data into an accountability mechanism for the global compact.

C. Other activities

19. Since the beginning of his tenure, the Independent Expert has participated in joint communications written to Governments. The communications have concerned a wide range of subjects falling within his mandate, including the intersection of migration and international solidarity. The Independent Expert has also issued joint press releases and media statements with other mandate holders, treaty bodies and regional mechanisms. The statements and press releases have concerned international solidarity as it relates to issues such as climate change and environmental rights, the right to development, and migration.

V. Goals and objectives

20. Building on the work of previous mandate holders and in line with the above-mentioned resolutions 2005/55 (of 2005), 7/5 (of 2008), 17/6 (of 2011), 26/6 (of 2014) and 35/3 (of 2017), the main goals and objectives sought to be achieved by the current mandate holder include the following:

(a) Building greater consensus on the theme of the mandate among States and other stakeholders, including by showing how greater enjoyment of human rights-based international solidarity would most likely benefit all States and all peoples in every region of the world;

(b) More effort to demonstrate the deep interconnections between human rights-based international solidarity and many key international relations issues, and showing even more robustly how the enjoyment of such solidarity is central to the effective management of many such issues of great global concern;

(c) Identifying, mapping, accounting for and analysing any State practice and *opinio juris* that may exist (or may have existed) in relation to the right to international solidarity that is contained in the draft declaration;

(d) Deepening communication with States, civil society and other stakeholders on the mandate and on the draft declaration on the right to international solidarity;

(e) Fostering greater visibility of the mandate and of the work of the mandate holder.

VI. Methods of work

21. The Independent Expert believes that the achievement of his key goals and objectives will require the adoption of a well-conceived and suitable work plan. In this regard, he intends to utilize the following methods of work.

A. Continuing consultations with all relevant stakeholders

22. The Independent Expert intends to continue the well-established and Council-mandated practice of undertaking regular consultations and dialogue with the relevant stakeholders. This group will continue to include the Human Rights Council (including its subsidiary bodies and special procedure mandate holders), States, civil society, political groups and relevant international and regional organizations, as well as academics and other relevant stakeholders. The consultations will provide opportunities to exchange views and ideas, including on the thematic priorities discussed below, between the Independent Expert and the stakeholders. The consultations will also play a key role in the process of building greater consensus about the goals of the mandate and the recommendations made by the mandate holder.

B. Country visits

23. The current mandate holder intends to undertake country visits, respecting as far as possible the principle of geographical distribution in the conduct of such visits, as a key method to help him build and maintain consensus on the objectives and activities of the mandate, and in relation to the recommendations of the mandate holder. The country visits will also serve the important function of helping to promote the draft declaration. These visits will also provide another avenue for even more constructive engagement with States, civil society, and other actors within the countries visited. Furthermore, the Independent Expert is of the opinion that such visits will be essential in order to gather more evidence and build greater understanding regarding State practice and *opinio juris* on international solidarity.

24. The Independent Expert has thus far requested invitations from the relevant Governments to visit the following countries: Indonesia, Malawi, the Netherlands, the Republic of Korea, South Africa, Sweden and the United Republic of Tanzania. The Independent Expert thanks the Governments of Sweden and the Netherlands, which have already agreed to his requests, and hopes that the other countries will soon respond favourably to his proposal.

C. Other types of research to document State practice and *opinio juris*

25. Given the Independent Expert's goal of identifying and analysing any State practice and *opinio juris* that may exist in relation to the right to international solidarity as contained in the draft declaration, he intends — in addition to undertaking country visits as a means to this end — to conduct primary and secondary documentary research aimed at documenting any State practice and *opinio juris* on human rights-based international solidarity that exists around the world.

D. Enhanced outreach to the media and society for greater visibility of the mandate, in order to strengthen and promote international solidarity

26. The Independent Expert believes in the importance of greater media and societal awareness and visibility for the mandate, given the importance of international solidarity in the fulfilment of human rights. As such, while being mindful of the need for special procedure mandate holders to be independent, the Independent Expert intends to reach out in as constructive a way as possible to high-profile persons, media organizations and other relevant stakeholders, with a view to leveraging their high visibility to achieve greater awareness and visibility for the pressing issue of the inadequacy of expressions of human rights-based international solidarity. He hopes that such outreach will help create a more supportive global sociopolitical environment within which the key goals of the mandate can be pursued.

E. Greater engagement with other United Nations bodies and other international institutions

27. The Independent Expert is mindful that Commission on Human Rights resolution 2005/55 requires him to take into account the outcomes of all major United Nations and other global summits and ministerial meetings and to seek views and contributions from United Nations agencies and other relevant international organizations in the execution of his mandate.

28. The Independent Expert has therefore prioritized an even greater degree of engagement with international institutions in his work plan. In that context, the Independent Expert met with relevant officials of the United Nations Development Programme in October 2017 in New York and of the Office of the United Nations High Commissioner for Refugees in November 2017 in Geneva, and participated in the preparatory (stocktaking) meeting of the intergovernmental conference to adopt the global compact for safe, orderly and regular migration, in Puerto Vallarta, Mexico in December 2017.

F. Continued engagement with civil society

29. The Independent Expert considers engagement with civil society, as advocates of social change, to be crucial to the effective execution of his mandate. As such, he intends to undertake even more robust engagement with both international and local civil society groups both within and beyond the framework of his country visits and his visits to the Human Rights Council in Geneva and the General Assembly in New York. Indeed, while he was in New York in October 2017 to address the General Assembly and during his visit to Geneva in November 2017 to attend the induction course for newly appointed special procedure mandate holders, he met and had fruitful exchanges with several representatives of civil society.

G. Enhanced coordination with other special procedure mandate holders

30. The Independent Expert recognizes the interconnectedness between his mandate and the mandates of other special procedures. While mindful of the importance of preserving the independence and the scope of his mandate, the Independent Expert has engaged and worked with the other mandate holders, especially those whose responsibilities relate closely to the thematic priorities discussed in section V of the present report. He intends to continue to do so. The engagement envisaged would be aimed at identifying possible areas of cooperation between the Independent Expert and the other mandate holders, to add value to each other's work.

H. Wide dissemination of best practices and recommendations to improve in areas of concern

31. Many States, civil society groups and other stakeholders have initiated and undertaken good practices in relation to human rights-based international solidarity. The Independent Expert will disseminate such good practices as widely as possible in order to help shape the normative environment in the mandate area in an even more positive way, and help guide other stakeholders in their own thought and action, and thus contribute in a significant way to the enhancement of human rights-based international solidarity.

32. At the same time, some stakeholders have, wittingly or not, engaged in practices that are decidedly not to be admired or followed from a standpoint of human rights-based international solidarity. The Independent Expert expects to dedicate a significant amount of attention during his tenure as mandate holder to identifying, analysing and issuing practical recommendations to improve in such areas of concern, to the same ends that are discussed in the paragraph above.

VII. Thematic priorities

33. During his tenure, the Independent Expert expects to focus on several thematic priorities, which are briefly developed below. While the Independent Expert wishes to emphasize that he is mindful that some of these thematic priorities are related to other special procedures mandates, it is important to note here that he only intends to address the conceptual and practical zones where these themes interface and interact with human rights-based international solidarity, in line with his mandate. For the Independent Expert, the expression of human rights-based international solidarity, and the enjoyment of the right of peoples and individuals to such solidarity, are essential to the amelioration, management, and even resolution of many of the key human rights issues that currently confront us as a global society. The Independent Expert wishes to emphasize, however, that other thematic areas may be added to this list throughout his mandate and based on developments in global affairs.

A. Migration and international solidarity

34. One of the thematic priorities of the Independent Expert is the intersection of international solidarity with our current (albeit historically enduring) human migration challenge. The Independent Expert will analyse the role of human rights-based international solidarity in addressing some of the key migration-related concerns and issues of our time. To that end, the Independent Expert intends to address issues such as the identity, the practices, the normative compasses and the motivating ideals of the countries that have manifested more solidarity than is usually the case towards migrants during the recently highlighted mass migration episodes around the world; the question of the compliance under international human rights law of the criminalization of individuals and groups (especially human rights activists) who show solidarity to migrants; and the uses and abuses of the concept and practice of international solidarity in the area of migration. An important goal here will be to assist the Human Rights Council and other United Nations bodies in their efforts to contribute to the formulation of a better framework for dealing with our global migration challenge — one that can more equitably balance the perceived pressures faced by States with the imperative of respecting the human rights of migrants. In that regard, the Independent Expert will follow closely the ongoing discussions and negotiations around the global compact for migration that are expected to take place throughout 2018.

B. Refugees and international solidarity

35. A second, if related, key area that interacts very closely with human rights-based international solidarity is the treatment of refugees and asylum seekers around the world. The outflow of refugees from their countries of origin continues to pose a challenge to

many States, as well as to the international community as a whole. The distribution of these refugees remains very uneven, creating a greater burden on certain States. For example, countries in Africa and the Middle East, many of which lack adequate resources to do so, currently host over 56 per cent of the world's displaced people.[14] As such, any viable and just refugee protection regime must, for this and other reasons, be founded on enhanced human rights-based international solidarity.

36. The Independent Expert will analyse the role of human rights-based international solidarity in addressing some of the key refugee-related concerns and issues that presently confront many States and the international community. Therefore, he intends to address and report on issues such as: (a) the human rights-based solidarity deficits of certain kinds of State partnerships in the refugee area; (b) ways and means of augmenting significantly the human rights-based solidarity that other States and actors show to the States that host large numbers of refugees; (c) the question of the compliance under international human rights law of the criminalization of individuals and groups (especially human rights activists) who show solidarity to refugees and asylum seekers; (d) human rights-based solidarity deficits in the current responsibility-sharing frameworks and practices; (e) the possibility of significant increases in the numbers of visas issued to refugees by the more popular destination States; (f) the phenomenon of conditionalized aid linked to the signing of refugee readmission agreements; and (g) uses and abuses of the concept and practice of international solidarity in the refugee rights area.

C. Climate change and international solidarity

37. The Independent Expert is of the opinion that the challenges presented by climate change, and its adverse consequences for humanity and the environment, are issues that greatly concern States and the international community as a whole. Collective action on the part of both international and local actors is clearly required if this inherently global problem is to be addressed effectively. The Declaration of the United Nations Conference on the Human Environment, proclaimed in Stockholm in 1972, recognized "the need for a common outlook and for common principles to inspire and guide the peoples of the world".[15] Further, the Rio Declaration on Environment and Development, of 1992, stresses the nexus between cooperation among States and sustainable development; and firmly enshrined in the international law of climate change is the principle of "common but differentiated responsibilities" — the idea that each State bears different responsibilities because of its varied contribution to environmental degradation, but that all share a need to act to counter those harms.[16] These multilateral instruments call for international cooperation "in a spirit of global partnership" geared towards conservation and protection of the Earth's ecosystem. Clearly, this is an issue that interfaces and interacts very closely with human rights-based international solidarity.

38. The Independent Expert will study and comment and report on a number of issues that come under the rubric of climate change and international solidarity, including the following: (a) equity in the emerging climate finance framework (e.g. Should the most vulnerable climate change-affected countries get the most funds?); (b) the nexus between climate finance and the progressive realization of economic, social and cultural rights for everyone in the world; and (c) the question of common but differentiated responsibilities in the climate change area as a basis for international solidarity in this area. This work will be particularly relevant in the context of future iterations of the Conference of Parties to the United Nations Framework Convention on Climate Change. It is also relevant in the context of the broader effort to implement the Paris Agreement on climate change.

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[14] Office of the United Nations High Commissioner for Refugees, "Figures at a glance", available at www.unhcr.org/figures-at-a-glance.html.

[15] See A/CONF.48/14/Rev.1, preamble to the Declaration.

[16] See A/CONF.151/26/Rev.1 (Vol. I), principle 7.

D. Extraterritorial human rights obligations and international solidarity

39. The Independent Expert believes that the issue of whether or not the human rights obligations assumed by States or other actors (as a consequence of the entry into force of various human rights treaties and the adoption of other human rights instruments) apply outside the boundaries of such States — i.e. whether a given State is duty bound as a result to respect such obligations beyond its borders — is a highly consequential one for the effort to realize human rights in as full a measure as possible the world over.

40. The ways in which this question of extraterritoriality intersects and interacts with human rights-based international solidarity is as important an issue, at least from the perspective of this mandate. For example, will the effort to ensure the enjoyment by all of the right of peoples and individuals to human rights-based international solidarity require States to protect, respect, fulfil and otherwise implement their international human rights obligations extraterritorially — at least some of the time? What, if any, will the problems with adopting a positive or negative answer to this question be? What are the limits of extraterritorial human rights obligations, especially in the context of State sovereignty and State vulnerabilities? Is it possible that human rights-based international solidarity can be achieved without an understanding of human rights obligations as having an extraterritorial dimension? These are the kinds of questions that the Independent Expert intends to study and discuss in a thematic report dedicated to this issue.

E. Civil society and international solidarity

41. The significant role played by civil society as agents of sociopolitical and economic change within both States and the international system is now very well acknowledged.[17] These actors help to shape public opinion, drive policies, legitimize or delegitimize certain agents and forms of governance and push for social reform. They also tend to express solidarity with each other, and with individuals, groups and communities, both within and across the boundaries of the States in which they are located.

42. Against this background, the Independent Expert considers that it is important to study, comment on and report on the normative framework and conceptual apparatus that undergirds such expressions of human rights-based international solidarity by civil society groups; the ways in which civil society groups express human rights-based international solidarity; and the means through which this is done. The Independent Expert will also analyse the specific difficulties that these groups face when they attempt to express such solidarity, and any best practices that may be identified regarding the reaction of other actors to expressions of this type of solidarity. Further, he will explore the manner in which cross-border solidarity between civil society groups may be mobilized in a manner that is contrary to the fulfilment of human rights, drawing examples from populist movements around the world and from the global backlash against women's and other minorities' rights.

F. Global citizenship and international solidarity

43. Against the background of the specific kind of globalization that now characterizes international sociopolitical and economic life, some authors have suggested — perhaps rather too optimistically as yet — that we now live in a "global neighbourhood".[18] Regardless of the accuracy of this claim, it is clear that our globe is now more interconnected and integrated than it has even been in the past. What then are the implications of this undeniably greater global social integration for the conception of

[17] See, in particular, some reports of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, such as A/HRC/35/28 (para. 2) and A/HRC/32/36, as well as the report of the Special Rapporteur in the field of cultural rights, A/HRC/34/56 (paras. 21 and 36).

[18] Commission on Global Governance, *Our Global Neighbourhood: The Report of the Commission on Global Governance* (Oxford, Oxford University Press, 1995).

citizenship that currently holds sway? If the idea of global citizenship is not a valid representation of our current reality, is it a worthy near- to mid-term ideal? What is its relationship to human rights-based international solidarity and the right of peoples and individuals to international solidarity as stated in the draft declaration? Does adherence to these imperatives require us to forge and author one form or another of global citizenship, or are these imperatives necessary consequences of a kind of global citizenship that we already enjoy, however limited and uneven? These are some of the questions that the Independent Expert intends to address and report on during his tenure.

G. South-South cooperation as international solidarity

44. The Independent Expert recalls that, in addition to their participation in other forms of multilateral cooperation, States in the global South have for a very long time, at least since the Bandung Conference of 1955,[19] sought new and innovative ways to address their peculiar social, economic and environmental problems. This has brought about some important changes in the global order.

45. According to the United Nations Office for South-South Cooperation, the key feature of South-South cooperation is that it is "initiated, organized and managed by developing countries themselves".[20] Yet, as the Human Rights Council Advisory Committee has noted, drawing on the work of the United Nations Office for South-South Cooperation: "non-State actors do actively participate".[21]

46. Furthermore, according to the Advisory Committee: "An important goal of this approach to international cooperation is to 'increase the quantity and enhance the quality of international development cooperation'. And a key benefit of this form of cooperation is the 'use of experience and capacity that already exists and the development of new capacities in developing countries'. A second benefit is that, as is well recognized now, it tends to rankle less and be received better in the receiving country when the 'donor' is a similarly situated country. Another such benefit is that it is often significantly less expensive to execute than other forms of international cooperation."[22] For the Independent Expert, the interconnections between South-South cooperation and human rights-based international solidarity should therefore be obvious.

47. As such, the Independent Expert intends to study and report on the following kinds of questions, some already presaged by the Human Rights Council Advisory Committee: What are the human rights impacts, both positive and negative, of increased South-South cooperation? How can the experience and capacity that already exists within certain countries of the South be deployed, in a spirit of human rights-based solidarity, in other developing countries that are not as endowed in the relevant respect, thereby developing new human rights resource capacities and other positive outcomes in the latter in a less expensive and more effective way?[23] What role, if any, would exist for triangular cooperation in this regard?[24] How can the expertise and legitimacy of non-State actors, particularly civil society organizations, be leveraged to enhance the positive human rights impacts or eliminate any negative human rights impacts from this form of cooperation? The Independent Expert also plans to participate in the second High-level United Nations Conference on South-South Cooperation, in March 2019.

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[19] See Luis Eslava, Michael Fakhri and Vasuki Nesiah, eds., *Bandung, Global History and International Law* (Cambridge, Cambridge University Press, 2017).

[20] See http://unossc1.undp.org/ssceXpo/content/ssc/about/what_is_ssc.htm.

[21] See the preliminary study on the enhancement of international cooperation, available from www.ohchr.org/EN/HRBodies/HRC/AdvisoryCommittee/Session12/Pages/Index.aspx.

[22] Ibid.

[23] Ibid., para. 16.

[24] Ibid.

H. Technology and innovation and international solidarity

48. The pervasive influence of technology forces consideration of how international solidarity, in the areas of access to and use of technology and innovation and technical know-how, can facilitate a much fuller realization of human rights universally. The Independent Expert notes a widening gap in access to digital technologies between the North and the South, urban and rural areas, rich and poor, and young persons and older persons. Similarly, the rapid advancement of technologies has begun to affect different categories of employment. Automation and the use of robotics may potentially transform, over the next decades, the ways in which different categories of employment are distributed and result in the loss of several categories of professions, usually comprised of the lower-paid workforce, which in many countries is made up of a significant number of persons from migrant and minority communities, and in which women are often disproportionately represented.

49. The Independent Expert intends to study and report on questions related to these relationships. He will, in particular, consider the future of human rights-based international solidarity and cooperation in the areas of technology transfer (or the lack thereof) and the digital space, highlight the different categories of employment that could be affected by automation and link these with workforce statistics, and show the interconnections between technology, innovation and the change in the digital divide.

I. Cities and local governments as agents of international solidarity

50. Cities and other local institutions and local governments can play an important role in the promotion and implementation of human rights, as well as in the conceptualization and practice of human rights-based international solidarity.

51. The Independent Expert recalls that cities and local institutions tend to be closer to their constituencies and are sometimes more politically progressive and diverse than their counterparts at the national level. This is often the case with large cities and agglomerations. Furthermore, local institutions and local governments are often mandated to deliver services, such as education, housing and health, which are essential for the realization of economic and social rights.

52. The Independent Expert is well aware that many cities and local institutions across the world are increasingly expressing human rights-based solidarity with individuals, groups and communities from or located in other places around the world. For instance, many cities have expressed solidarity with migrants and refugees, including by championing fair policies in relation to such groups, supporting and launching protests, and even defying or undermining some anti-migrant and anti-refugee policies and practices and xenophobic discourses, initiated by their regional or national governments. These "sanctuary cities" have exercised their authority against national governments to express solidarity and protect refugees and migrants.

53. The Independent Expert also notes that while some Governments have withdrawn from certain multilateral agreements related to international cooperation, several cities and local governments have pledged to remain committed to those agreements, in opposition to decisions made by their national authorities. Similarly, some cities and local governments have taken major steps towards reducing their carbon emissions, by investing in and promoting cleaner and renewable energy and otherwise implementing sustainability policies.

54. In the light of the above, the Independent Expert intends to study and report on the role of cities and local governments in promoting and expressing human rights-based international solidarity in regard to a number of important issues, such as climate change, migration, and refugee flows. In doing so, he will assess how the expression of international solidarity by these local institutions presents a new opportunity to advance the promotion and protection of human rights.

J. The threat of populism to the principle of international solidarity

55. The Independent Expert recalls that several other special procedure mandate holders have in their past reports noted with concern the current trend of populism in several countries and regions around the world.[25] While the rise of populist movements is a complex phenomenon, research shows that the factors contributing to a climate conducive to increased acceptance of extremist ideologies include widespread concerns over the global financial and economic crisis, the rise in economic disparities within and between countries, criticism of the globalized economic system, the spread of terrorism, an impression of rising migration flows, and the dissemination of racist ideas.

56. The rise of populism poses significant challenges to vulnerable individuals and groups (in particular migrants, refugees and asylum seekers, persons of African descent, ethnic and religious minorities, and women and girls). These groups are often targeted by nationalist, xenophobic, misogynistic, homophobic and racist rhetoric as scapegoats for the economic hardship being experienced by those who target them. All too often, populist political parties try to gain support and attract voters by capitalizing on the fears of constituents over the financial burdens that may be imposed by migration, and profiting from all-too-often wrong perceptions that foreigners are overrepresented in crime, take resources and jobs away from nationals, pose a threat to national identity, or have religious practices that are incompatible with modern societies. Similarly, the rise in influence of populist ideology, in part through the activities of these anti-migrant and other such movements and groups, also jeopardizes the enjoyment of human rights-based international solidarity. This is because societies in which they operate and exert influence tend, over time, to become more nationalistic and to close themselves off from the principles of international cooperation, development assistance and international human rights law.

57. The Independent Expert intends to address the dangers and challenges of populism and their implications for the enjoyment or otherwise of the right to human rights-based international solidarity. He will analyse the causes of the rise and coming to power of these movements, underscore the responsibility of the State and its institutions as well as of political leaders, trade unions, the media, religious organizations and civil society in countering this worrying trend, and present examples of good practices and measures taken to counter this phenomenon as a way of enhancing the enjoyment of the right to human rights-based international solidarity. These good practices and measures could serve as guidance to Member States.

K. Taxation and international solidarity

58. The Independent Expert is well aware that undue tax avoidance, tax evasion and tax havens tend to fundamentally contradict the principles of international solidarity. As such, they also tend to unduly impede the enjoyment of the rights of peoples and individuals to human rights-based international solidarity. These abusive taxation practices often deprive countries of revenue needed to fulfil their human rights obligations, to alleviate poverty, to redistribute wealth, to improve the administration of justice, to ensure accountability (in particular to victims of human rights violations), to build infrastructure, to create employment, and to provide social welfare, quality health services and education.

59. Several mandate holders,[26] as well as the Human Rights Council Advisory Committee,[27] have outlined the negative effects of the tax abuses committed by domestic and transnational corporations, and the very significant direct and indirect socioeconomic

[25] See, in particular, the reports of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, on the implementation of the resolutions on combating glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance; the most recent reports are A/HRC/35/42 and A/72/291. See also A/HRC/34/57/Add.1 and A/HRC/35/29.

[26] See, in particular, A/71/286, A/HRC/28/60 and A/HRC/26/28.

[27] See A/HRC/36/52 and A/HRC/33/54.

impacts of such activities on the enjoyment of all human rights. Those mandate holders and the Advisory Committee have also advocated for a binding legal instrument on the issue of corporate social responsibility that would stipulate the obligation of domestic and transnational corporations (and even wealthy individuals) to pay taxes where their incomes and profits are generated, and prohibit the shifting of profits to so-called tax havens.

60. The Independent Expert notes the absence of an adequate degree of human rights-based international solidarity among States in the area of taxation — a situation that allows transnational and domestic corporations to legally (if illegitimately) transfer revenues and profits from countries where they are generated to so-called tax havens, where the taxation rate may be significantly lower or even non-existent. A lack of human rights-based international solidarity is also evident in the processes that determine global tax policy, which are dominated by certain States to the exclusion of others. The Independent Expert notes with concern the secrecy surrounding tax haven jurisdictions and encourages Governments to realize the need for a global or international tax instrument to stop the use of such jurisdictions.

61. A thematic report on taxation and international solidarity would study and comment on: (a) the need for fair and just taxation to advance human rights; (b) the reform of fiscal and budgetary policy through the abolishing of tax havens and other such arrangements; (c) the closure of international tax loopholes; (d) the end of secrecy with regard to tax havens; (e) how effective taxation systems can contribute to the implementation of the principles of international solidarity; (f) the enhancement of international cooperation and development; (g) the fostering of the overall economic advancement of developing and other countries; and (h) the fulfilment of the international human rights obligations of States.

L. International solidarity and economic security

62. The Independent Expert notes that globalization has been accompanied by a widening gap between countries from the global North and the global South, and by widespread poverty and inequality (including gender inequality, unemployment, social erosion and environmental risks). The ongoing liberalization of trade and capital (albeit not of migration flows) contributes to the greater interconnectedness and interdependence of individuals and States, which presents challenges, but also offers opportunities for international solidarity to be deployed through international cooperation to promote a fair, inclusive and rights-based international trade and investment regime.

63. The immediate past Independent Expert discussed with interest the Social Protection Floor Initiative, which advocates for a basic set of transfers, either in cash or in kind, to provide a guaranteed minimum income and livelihood security for all by supplying an essential level of goods and social services such as health, water and sanitation, education, food, housing, and life- and asset-saving information, accessible to all.[28]

64. Furthermore, the Independent Expert has been observing the debates occurring in several States over the implementation of a guaranteed or unconditional basic income, in which all citizens (or permanent residents) of a country would receive a regular, liveable and unconditional sum of money, notwithstanding their employment or income status.

65. In this regard, the Independent Expert concurs with the Special Rapporteur on extreme poverty and human rights, who in a recent groundbreaking report[29] argued for the desirability of advocating a basic income approach in an environment of rapidly changing economic and social structures that is resulting in a growing sense of economic insecurity affecting large segments of the population of many societies. This economic insecurity and the growing inequality in distribution of wealth represents a threat to the enjoyment of all human rights, particularly economic and social rights. It also poses as significant a threat to the enjoyment of the right to human rights-based international solidarity.

[28] See A/HRC/29/35.

[29] See A/HRC/35/26.

66. The Independent Expert will explore the ways in which international measures and ideas such as the Social Protection Floor Initiative can influence domestic policy to enhance solidarity within and across borders. He would also be interested in further analysing several of these initiatives at the national level that are exemplary of solidarity and in linking these with the principles of international solidarity as set out in the draft declaration. These examples of good practice could play a role in demonstrating international solidarity and serve as models of cooperation for development. They can do so by providing beneficiaries with access to essential social and economic rights.

VIII. Conclusion

67. **In a world of greatly increased interdependence, with collective problems and challenges that require collective solutions, cooperation between States, founded upon human rights-based international solidarity, is imperative. The Independent Expert believes that such international solidarity must be viewed holistically, as a two-way street, and not merely as a value that flows from the global North to the global South. In this regard, it is worth noting that without human rights-based international solidarity that flows in both directions, no one on our planet, whether based in the global North or the global South, will escape the seriously negative effects of climate change.**

68. **The Independent Expert also wants to reiterate the critical importance of human rights-based international solidarity to the much fuller realization of all human rights universally, including those that are captured in the Sustainable Development Goals.**

69. **Furthermore, the Independent Expert intends to continue promoting the draft declaration on the right to international solidarity, throughout the activities of his mandate.**

70. **The Independent Expert will continue to seek views and contributions from States, United Nations agencies, other relevant international institutions, non-governmental organizations and other stakeholders, in discharging his mandate. The cooperation of these stakeholders will be crucial to successfully addressing the proposed thematic issues discussed above and in other aspects of his mandate.**

71. **The Independent Expert looks forward to a successful working relationship with States, civil society and all other relevant stakeholders.**